

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed September 24, 2004. Claims 1-20 were pending in the Application. In the Office Action, Claims 1-20 were rejected. Claims 1-20 remain pending in the Application.

In the Office Action, the following actions were taken or matters were raised:

SECTION 102 REJECTIONS

The Examiner maintains the rejection of Claims 1-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,137,544 issued to Dimitrova et al. (hereinafter "*Dimitrova*"). Applicant respectfully traverses this rejection.

Applicant respectfully submits that *Dimitrova* does not disclose or even suggest each and every limitations of Claims 1-20. For example, independent claim 1 recites "storing the formatted scene candidates on the optical storage media in a media structure without reducing the recordable capacity [of the optical storage media]." The Examiner refers to column 2, lines 35-67, through column 3, lines 1-44, of *Dimitrova* as disclosing the limitations of Claim 1 (Final Office Action, page 3). Applicant respectfully disagrees. *Dimitrova* discloses that a "visual index may be created on a pre-existing tape (or file, DVD, disks, etc.) or while recording on a new tape" (*Dimitrova*, column 2, lines 36-38). *Dimitrova* also discloses that "[i]n video indexing . . . from a video CD, DVD, or other storage device, or from a broadcast stream, the index may be stored on a hard disk, or other storage medium" (*Dimitrova*, column 2, lines 66-67, column 3, lines 1-4). However, *Dimotrova* does not disclose or even suggest, nor does the Examiner identify any such disclosure in *Dimitrova*, as to how such index would be stored on a CD, or DVD "without reducing the recordable capacity" of such media as recited by independent Claim 1.

In the Final Office Action, the Examiner refers to Applicant's response to the Office Action mailed March 10, 2004, where Applicant identified numerous apparent deficiencies in *Dimitrova* in view of Applicant's claimed invention (Office Action page 5). The Examiner

then states that such features or processes are not recited in the rejected claims, and that limitations from the specification are not read into the claims (Final Office Action, page 5). First, Applicant respectfully submits to the Examiner that the “features or processes” referred to are deficiencies of *Dimitrova*. Therefore, the Examiner’s statement regarding the reading of limitations of Applicant’s specification into the claims is misplaced. Second, Applicant respectfully points out to the Examiner that because *Dimitrova* is silent as to any process or feature of the index of *Dimitrova*, including, but not limited to, how the index of *Dimitrova* is created on a medium or where on the medium the index of *Dimitrova* is created, *Dimotrova* cannot be considered to anticipate independent Claim 1 which affirmatively recites “storing the formatted scene candidates on the optical storage media in a media structure without reducing the recordable capacity [of the optical storage media].” Lastly, Applicant respectfully reminds the Examiner that the test for anticipation is whether each and every limitation recited in the claims of the application are disclosed in the applied art, which Applicant submits is clearly not the case with respect to independent Claim 1 of the present Application. Therefore, Applicant respectfully submits that the rejection of independent Claim 1 is improper and should be withdrawn.

Independent claim 7 recites “a media storage system operable to store the formatted scene candidates on the optical storage medium in a media structure without reducing the recordable capacity [of the optical storage medium],” and independent claim 14 recites logic operable to “cause the formatted scene candidates to be stored on the optical storage medium without reducing the recordable capacity [of the optical storage medium]. For at least the reasons discussed above in connection with independent claim 1, *Dimitrova* does not disclose or even suggest each and every limitation of either claim 7 or 14 and, therefore, *Dimitrova* does not anticipate independent claims 7 and 14.

Claims 2-6, 8-13 and 15-20 that depend from respective independent Claims 1, 7 and 14 are also not anticipated by *Dimitrova* because they incorporate the limitations of respective Claims 1, 7 and 14 and add additional elements that further distinguish *Dimitrova*. Therefore, Applicant respectfully requests that the rejection of Claims 2-6, 8-13 and 15-20 be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicants have overlooked the need for any fee, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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